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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,206	02/22/2001	Alan Kay	AKCP.P-001	5118

21121 7590 05/20/2004  
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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/20/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/681,206

Applicant(s)

KAY ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleming, III.

As per claim 1, Fleming, III discloses a marketplace system operated by a sponsor, the system interconnecting users having respective workstations and transmitting messages among the users, the system comprising:

- means responsive to first inputs from the sponsor for authorizing participation by particular users (abstract, col. 3, lines 44-51 and col. 4, lines 11-23);
- means responsive to second inputs from users indicative of their wish to communicate, send, or receive data from the marketplace system (abstract, col. 3, lines 44-51 and col. 4, lines 11-23);
- the system responsive to a second input from a first user indicative of a wish to send first data by validating said first data, and in the event the first data are validated, receiving the first data (col. 4, lines 65-67 and col. 5, lines 1-8);
- the system responsive to receipt of the first data by returning second data to in inbox or output device on the workstation of the first user (col. 4, lines 11-23).

As per claim 2, Fleming, III discloses a network of networks comprising:

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- workstations associated with users, the network comprising communicative means communicating messages among the users, each message containing information indicative of a putative the sender, each workstation comprising working memory and further comprising means keeping program files on the workstation isolated from data files on the workstation, the means blocking a received message from being allowed into the working memory thereof except after verification that the message was originated by an authorized user and is of a predetermined valid message type (col. 3, lines 44-51, col. 5, lines 1-21, lines 61-67 and col. 6, lines 1-17);
- the network further comprising means echoing the received message back to its putative sender, the means responsive to a repudiation notice from the putative sender for deleting the message (col. 5, lines 28-43).

As per claim 3, Fleming, III discloses:

- a marketplace network of networks interconnecting marketplace systems for passage messages each message having a sender and a recipient, each marketplace system having associated users and having a respective arrangement of user identifiers, user names and passwords, each marketplace system having an associated system identifier (col. 6, lines 20-37);
- the marketplace systems characterized in that a user may use the same identifier, user name, and password in more than one marketplace system; each message comprising information indicative of the system identifier of the system within which the message originates (col. 6, lines 20-37);

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- the network further characterized in that the sender of a message includes a specific system identifier, whereby the network sends the message to the recipient as a user on the system associated with the specific system identifier 9col. 5, lines 61-67 and col. 6, lines 1-17).

As per claim 4, Fleming, III discloses:

- a marketplace network of networks interconnecting marketplace systems for passage of messages each message having a message type, a sender and a recipient, each marketplace system having associated users and having a respective arrangement of user identifiers, user names and passwords, each marketplace system having an associated system identifier (col. 6, lines 20-37);
- the marketplace systems characterized in that a user may use the same identifier, user name, and password in more than one marketplace system; the network comprising transferring messages from a first marketplace system to a second marketplace system (col. 6, lines 20-37);
- the network further comprising means responsive to the event of a message's type not being allowed by the second marketplace system for communicating notice of failure of delivery, the notice comprising information indicative of message types compatible with the marketplace system of the sender and with the marketplace system of the recipient (col. 4, lines 65-67, col. 5, lines 1-21).

As per claim 5, Fleming, III discloses a network of networks system interconnecting marketers and users, each user having a hard drive, the system comprising:

- means receiving permissions and withdrawals of permission from particular users with respect to particular marketers, the system further comprising means permitting transmission of a cookie from a marketer to a user's data storage/retrieval memory only if the marketer has permission to do so and only if such permission has not yet been withdrawn (col. 2, lines 42-57, col. 3, lines 3-21 and col. 4, lines 11-23).

As per claim 6, Fleming, III discloses a network of networks interconnecting users entering and receiving messages, the network comprising:

- means maintaining a complete audit trail for every message entered and received (col. 6, lines 20-37).

As per claim 7, Fleming, III discloses a network of networks interconnecting users sending and receiving messages, the network defining:

- designations of subsets of all users indicative of needs of the users in the subsets, the network comprising means responsive to a first user sending a message and responsive to selection by the first user of one or more subsets, for distributing the message to users in the selected subsets, the network further comprising means responsive to a second user indicating unwantedness of certain messages for screening out the reception of the message (col. 2, lines 42-57, col. 3, lines 3-21 and col. 5, lines 14-21).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,266,692 to Greenstein

U.S. Pat. No. 6,167,435 to Druckenmiller et al

U.S. Pat. No. 6,393,465 to Leeds

U.S. Pat. No. 6,052,709 to Paul

U.S. Pat. No. 6,330,317 to Garfinkel

U.S. Pat. No. 6,631,400 to DiStefano, III

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
May 14, 2004

  
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